Document 28-2

Filed 03/14/2008

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Calse 3:07-cv-02373-WQH-CAB

I, Nathan W. Hicks, declare and state as follows:

1. I am an attorney licensed to practice law before all courts of the State
of California and I am a member of the law firm of Snell & Wilmer, attorneys of
record for defendant Apollo Group, Inc. ("Apollo") in this matter. I have persona
knowledge of the matters set forth in this declaration, and if called upon as a
witness, I could competently testify to them.

2. Plaintiff, Chad McKinney ("McKinney"), filed the complaint in the
above-captioned matter on December 19, 2007. McKinney, however, did not
obtain a summons issued by the Court until approximately one month later on
January 15, 2008. A true and correct copy of the summons issued by the Court as
reflected in the Court's website at https://ecf.casd.uscourts.gov/cgi-
bin/DktRpt.pl?117733301982358-L_353_0-1 is attached as Ex. A. According to
McKinney's Return of Service filed with the Court on March 12, 2008, a process
server attempted to serve Mechelle Bonilla "by leaving copies with Virginia Torres
at defendant's place of employment" on February 4, 2008. A true and correct copy
of McKinney's Return of Service as reflected in the Court's website at
https://ecf.casd.uscourts.gov/cgi-bin/DktRpt.pl?117733301982358-L_353_0-1 is
attached as Ex. B. According to McKinney's Return of Service filed with the Court
on March 12, 2008, a process server attempted to serve Carlyn Lindsten "by leaving
copies with Ellen Bowens (Administration) at defendant's place of employment" on
January 31, 2008. A true and correct copy of McKinney's Return of Service as
reflected in the Court's website at https://ecf.casd.uscourts.gov/cgi-
bin/DktRpt.pl?117733301982358-L 353 0-1 is attached as Ex. C. According to
McKinney's Return of Service filed with the Court on March 12, 2008, a process
server attempted to serve Kyan Flynn "by leaving copies with Ellen Bowens
(Administration) at defendant's place of employment" on January 31, 2008. A true USDC-SOUTHERN DISTRICT CALIFORNIA CASE NO. 07-CV-2373 WOH CAB

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LLP. OFFICES ulevard, Suitulfornia 9265	14
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and correct copy of McKinney's Return of Service as reflected in the Court's
website at https://ecf.casd.uscourts.gov/cgi-bin/DktRpt.pl?117733301982358-
<u>L_353_0-1</u> is attached as Ex. D.

On February 29, 2008, I contacted McKinney by telephone and 3. explained that he had not given sufficient service of process to Apollo, and that the parties should stipulate to setting aside the entry of default. Afterwards, McKinney could then attempt to properly re-serve Apollo, UOP or both. Nevertheless, McKinney still refused to stipulate to setting aside the entry of default on Apollo.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: March <u>14</u>, 2008

\HICKSN\SWDMS\8621351

United State	s Dis	TRIC	T	Court		
. THE UNITED STATES DISTRICT COURT SOUTHERN DIS	trict of	Califor	nia			
Chad McKinney, Pro Se						
	٠.	S	UM	IMONS IN A CIV	IL CASE	
APOLLO GROUP INC., UNIVERSITY OF PHOENIX, a Corporation., MECHELLE BONILLA, an Enrollment Manager at UNIVERSITY OF PHOENIX, KYAN FLYNN, Director of Enrollment at UNIVERSITY OF PHOENIX, APRIL ALCORN, an Employee Relations Consultant at UNIVERSITY OF PHOENIX, CARLYN LINDSTEN, Associate Director of Enrollment at UNIVERSITY OF PHOENIX	CÁSI	E NUM	BER	: ::		
						(
		O	7	Cit 23 / 2 Vie.	SAC	
						1
TO: (Name and address of Defendant)	· 5		,	·		įį
			٠.			
YOU ARE HEREBY SUMMONED and require	d to serve	upon F	LAI	INTIFF'S ATTORNEY	(name and addre	ess)
Chad McKinney, Pro Se 6266 Madeline Street Apt. No. 61 San Diego, Ca 92115-5630						•
		·				
			•	•		
		thin		20 days	after service	of this
n answer to the complaint which is herewith served upon immons upon you, exclusive of the day of service. If y e relief demanded in the complaint. You must also file y f time after service.	ou fail to	ർവ വേ	udg the	ment by default will b	e taken again	st you
·						
W. SAMUEL HAMRICK, JR.				AN 3 6 2008		
JERK .	DATE		,		aga kang kang kalabaka kanan di Palamete Kalaba	
By) DEPLITY CLERK	<u></u>					
				EXHIBIT A, PAGE	E	

FILED 2000 MAR 12 PM 4:47

		PH 4:47
	SOUTHERN DISTER	The Court
RETURN OF SERVIC		- William Okalia
Service of the Summons and Complaint was made by me	DATE 1/31/08	DEPUTY
NAME OF SERVER R.T. Hansell	TITLE R. P. S.	
Check one box below to indicate appropriate method of service		
Served personally upon the defendant. Place where served:		
Left copies thereof at the defendant's dwelling, house or usua discretion then residing therein: Name of person with whom the summons and complete Return unexecuted: X Other (specify): Served Kyan Flyne with Ellen Bowens defendant's place	n by leaving copies (Administration) at	
STATEMENT OF SERVICE		
TRAVEL SERVI		
DECLARATION OF SER I declare under penalty of perjury under the laws of the United States of		ined in
the Return of Service is true and correct. Executed on: 2/12/08		
Date Signature of Server	Movena Blud. Ste 2	206
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNIT	ED STATES MAGISTRATE	
IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU AR MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PA PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND OF COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.	ARTIES, CONDUCT ANY OR ALL ROER THE ENTRY OF A FINAL JUDGMI L	•
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COTHE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO T	OURT. ONLY IF ALL PARTIES CONSENT SIGNED BE INFORMED OF YOUR DECIS THE U.S. COURT OF APPEALS IN	r will
ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES O	F APPELLATE PROCEDURE.	

Filed 03/14/2008

Page 7 of 12

AO 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT

THE UNITED STATES DISTRICT COURT SOUTHERN

District of

California

Chad McKinney, Pro Se

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SUMMONS IN A CIVIL CASE

APOLLO GROUP INC., UNIVERSITY OF PHOENIX, a Corporation, MECHELLE BONILLA, an Enrollment Manager at UNIVERSITY OF PHOENIX, KYAN FLYNY, Director of Enrollment at UNIVERSITY OF PHOENIX, APRIL ALCORN, an Employee Relations Consultant at UNIVERSITY OF PHOENIX, CARLYN LINDSTEN, Associate Director of Enrollment at UNIVERSITY OF PHOENIX

CASE NUMBER:

77 CV 2373 WON CAB

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Chad McKinney, Pro Se 6266 Madeline Street Apt. No. 61 San Diego, Ca 92115-5630

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

W. SAMUEL HAMRICK, JR.

MN 1 5 2008

CLERK

DATE

(By) DEPUTY/CLERK

EXHIBIT B, PAGE 1

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CLERK US DISTRICT COURT

		CONTRERN DISTRICT OF CALIFORNIA
RET	JRN OF SERVICE	WAY DEPUTY
Service of the Summons and Complaint was made by me		DATE \$2/04/08
NAME OF SERVER R.T. Hansell		TITLE . R. P. S
Check one box below to indicate appropriate method of se	rvice	
Served personally upon the defendant. Pl	ace where served:	
	: .	to the transfer of the second
Left copies thereof at the defendant's dwe discretion then residing therein:	lling, house or usual p	place of abode with a person of suitable age and
Name of person with whom the s	ummons and complai	nt were left:
Return unexecuted:		
Other (specify): Served Me copies with place of em	chelle Bon Virginia 7 ployment	illa by leaving Forres at defendant's
STATEME	NT OF SERVICE F	FEES
TRAVEL	SERVIC	es total \$45
DECLAI	RATION OF SERVI	ER
I declare under penalty of perjury under the laws of the Return of Service is true and correct.	e United States of An	nerica that the foregoing information contained in
Executed on: 2/12/08	(~ X	
Date	Signature of Server	ena Blud., Stc 206 S.D. Ca. 92110
	Address of Server	S.D. Ca. 92110
NOTICE OF RIGHT TO CONSENT TO TR		STATES MAGISTRATE
IN ACCORDANCE WITH THE PROVISION OF 28 US		
MAGISTRATE OF THIS DISTRICT MAY, UPON CON	ISENT OF ALL PAR	TIES, CONDUCT ANY OR ALL
PROCEEDINGS, INCLUDING A JURY OR NON-JUR' COUNSEL FOR THE PLAINTIFF HAS RECEIVED A	Y TRIAL, AND ORD CONSENT FORM	DER THE ENTRY OF A FINAL JUDGMENT.
YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.		
JUDGEMENTS OF THE U.S. MAGISTRATES ARE AF ACCORDANCE WITH THIS STATUTE AND THE FEI	PEALABLE TO THI DERAL RULES OF A	E U.S. COURT OF APPEALS IN APPELLATE PROCEDURE.
1) As to who may serve a summons see Rule 4 of the Feder	12 1 (0: 312)	

Filed 03/14/2008

Page 9 of 12

UNITED STATES DISTRICT COURT

THE UNITED STATES DISTRICT COURT

THE UNITED STATES DISTRICT COURT

District of California

Chad McKinney, Pro Se

SUMMONS IN A CIVIL CASE

V.

MOLLO CROW PIC. UNIVERSITY OF PHORIAL & Copposition, MISCHELE EDMILLA an Devolver Manager at University of PHORIAL & Companies, MISCHELE EDMILLA an Devolver Manager at University of PHORIAL & Companies, MISCHELE EDMILLA an Devolver Manager at University of PHORIAL & Companies at University of PHORIAL & CASE NUMBER:

CASE NUMBER:

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Cheel McKinnoy, Pro Se

Chad McKinney, Pro Se 6266 Madeline Street Apt. No. 61 San Diego, Ca 92115-5630

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

W. SAMUEL HAMRICK, JR.

MN 1 5 2008

CLERK

(By) DEPUTY CLERK

DATE

EXHIBIT C, PAGE 9

07 cv 2373. WOH

FILED

.2008 MAR 12 PM 4: 46

Service of the Summons and Complaint was made by me NAME OF SERVER R. T. Hansell. Check one box below to indicate appropriate method of service Served personally upon the defendant. Place where served: Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion their residing therein: Name of person with whom the summons and complaint were left: Return unexecuted: X Other (specify): Served Carlyn Lindsten by leaving copies with Ellen Bowens (Administration), at defendant's place of employment. STATEMENT OF SERVICE FEES TRAVEL DECLARATION OF SERVICE SERVICES TOTAL \$25 DECLARATION OF SERVER I declare under penalty of pedjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct. Executed on: 2/12/08 Date Date Signature of Server DUA, Ste. 206 Address of Server DUA, Ste. 206 Address of Server DUA, Ste. 206 Address of Server DUA PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT OR NOT CONSENT OR NOT CONSENT HE ENTRY OF A FINAL JUDGMENT. PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. OUN SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT HE ENTRY OF A FINAL JUDGMENT. PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. OUN SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT HE ENTRY OF A FINAL JUDGMENT. PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. OUN SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT HE ENTRY OF A FINAL JUDGMENT. PROCEEDINGS, INCLUDING BY OR NON-JURY TRIAL AND ORDER THE ENTRY OF A FINAL JUDGMENT. OUN SHOULD BE OMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF Y		OLEDI: He No.
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NAME OF SERVER R. T. Hansell. TITLE R. P. S. Check one box below to indicate appropriate method of service Served personally upon the defendant. Place where served: Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion their residing therein. Name of person with whom the summons and complaint were left: Return unexecuted: X Other (specify): Served Carlyn Lindsten by leaving copies with Ellen Bowens (Administration), at defendant's place of employment. STATEMENT OF SERVICE FEES TRAVEL DECLARATION OF SERVICE SERVICES TOTAL \$25 DECLARATION OF SERVICE I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct. Executed on: 2/12/08 Date Date Signature of Server 2/445 Movena Blud, Stc. 206 Address of Server S. D. Ca. 9.2110 NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HERBBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS. INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM. YOU SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OR YOUR DECISION. JUDGGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT Of APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES Of Appeals In PROCEDURE.	Service of the Summons and Complaint was made by me	1/0///04
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Name of person with whom the summons and complaint were left: Return unexecuted: Cother (specify): Served Carlyn Lindsten by leaving copies with Ellen Bowens: (Administration), at defendant's place of employment. STATEMENT OF SERVICE FEES	Served personally upon the defendant. Place where	served:
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TRAVEL DECLARATION OF SERVICE I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct. Executed on: 2/12/08 Date Date Signature of Server 2445 Movena Blud, Stc 206 Address of Server S. D. Ca. 9.2 (10) NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION. JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPEALATE PROCEDURE.	Return unexecuted:	***
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I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct. Executed on: 2/12/08 Date Signature of Server		ERVICE FEES
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NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM. YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION. JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPEALATE PROCEDURE.	I declare under penalty of perjury under the laws of the United S the Return of Service is true and correct. Executed on: $2/12/08$	States of America that the foregoing information contained in
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM. YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION. JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPEALATE PROCEDURE.	Date Signature	Movena Blud, Stc 206
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JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE. 1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.	AND SHOULD BE COMMUNICATED SOLELY TO THE CLERI THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BE	K OF COURT. ONLY IF ALL PARTIES CONSENT WILL SEN ASSIGNED BE INFORMED OF YOUR DECISION.
	ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RI	ULES OF ARPELLATE PROCEDURE.

UNITED STATE	S DISTRICT COURT
·	trict of California
Chad McKinney, Pro Se	
	SUMMONS IN A CIVIL CASE
V.	SOMMONS IN A CIVIL CIVIL
APOLLO GROUP INC., UNIVERSITY OF PHOENIX, a Corporation., MECHELLE BONILLA, an Enrollment Managor at UNIVERSITY OF PHOENIX, KYAN FLYNN, Director of Enrollment at UNIVERSITY OF PHOENIX, APRIL ALCORN, an Employee Relations Consultant at UNIVERSITY OF PHOENIX, CARLYNI, LINDSTEN, ASSO	
	CASE NUMBER:
	77 67 2373 No. 1506
TO: (Name and address of Defendant)	#
YOU ARE HEREBY SUMMONED and require	d to serve upon PLAINTIFF'S ATTORNEY (name and address)
Chad McKinney, Pro Se 6266 Madeline Street Apt. No. 61 San Diego, Ca 92115-5630	
	• •
	· · ·
n answer to the complaint which is herewith served upor ummons upon you, exclusive of the day of service. If you he relief demanded in the complaint. You must also file y if time after service.	n you, within 20 days after service of this ou fail to do so, judgment by default will be taken against you for our answer with the Clerk of this Court within a reasonable period
W. SAMUEL HAMRICK, JR.	2018
CLERK	DATE
By) DEPLITY CLERK	
•	FXHIBIT D PAGE //

PROOF OF SERVICE USDC – Southern District, Case No. 07-CV-2373 WQH CAB

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California 92626.

On March 14, 2008, I served, in the manner indicated below, the foregoing document described as **DECLARATION OF NATHAN W. HICKS IN SUPPORT OF OPPOSITION TO CLERK'S ENTRY OF DEFAULT** on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

Chad McKinney Pro Se 6266 Madeline Street, Apt. #61 San Diego, CA 92115	Plaintiff Tel: 619-634-3566
United States District Court Attention: Hon. Judge William Q. Hayes 940 Front Street San Diego, CA 92101	

BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees. (C.C.P. § 1013(c)(d)).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 14, 2008, at Costa Mesa, California.

Rudi L. Wilson